

REMARKS

Claims 39, 42-45 and 57-69 are pending in the present application. Claims 1-38, 40-41 and 46-56 have been cancelled. Claims 57-69 have been added. Claims 39, 43 and 44 have been amended. Claims 39, 57, 61 and 66 are independent claims.

Election/Restrictions

Applicants acknowledge that the Examiner has restricted this Official Action to consideration of claims 39-45 based on Applicants' earlier election of claims 1-7. Accordingly, Applicants' response is restricted to the Examiner's consideration of these claims.

Claim Rejections – 35 U.S.C. § 112

Claims 43 and 44 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Reconsideration of these rejections is respectfully requested for at least the following reasons.

Both claims 43 and 44 have been amended in view of the Examiner's rejection. Support for both claims 43 and 44 (as amended) may be found in paragraph [0040] of the application as originally filed. In view of these amendments, both claims 43 and 44 are in compliance with 35 U.S.C. § 112, first paragraph.

Claim Rejections – 35 U.S.C. § 102

Claims 39-41 and 45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ikeda et al. (U.S. Patent Publication No. 2006/0098926 A1). Withdrawal of these rejections is also requested for at least the following reasons.

As explained below, the rejections of claims 39-41 and 45 are improper since the primary reference to Ikeda et al. (U.S. Patent Publication No. 2006/0098926 A1)

does not constitute prior art under 35 U.S.C. § 102. Provisional Application No. 60/413,153 was filed in the U.S. Patent and Trademark Office on September 25, 2002. PCT Application No. PCT/JP03/12127 was filed on September 24, 2003, claiming priority to the original provisional application. This application was filed in the Japanese language. On April 8, 2004, the PCT application was published as Publication No. WO/2004/030356. Since the original PCT application was not published in the English language, as explained in MPEP § 706.02(a), this reference is only effective as prior art under 35 U.S.C. §102(a) as of April 8, 2004. The current application has a U.S. filing date of December 10, 2003 and claims priority to Republic of Korea Application No. 10-2002-0079375 filed on December 12, 2002. An English language translation of the priority document was filed on July 25, 2008. Accordingly, the primary reference does not qualify as prior art against this application under any section of 35 U.S.C. § 102, including §§ 102(a) and (e).

Thus, Applicants have not addressed the merits of the Examiner's rejection under Section 102(e) since the cited reference does not qualify as prior art. Withdrawal of these rejections is thus respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda et al. (U.S. Patent Publication No. 2006/0098936 A1), as applied to claim 39 above and further in view of Jung et al., (U.S. Patent Publication No. 2004/0081434 A1).

The rejection of claims 42-44 is also improper as based on Ikeda et al. since this reference does not represent prior art under 35 U.S.C. § 102. Accordingly, the primary reference on which the Examiner relies to reject these claims under Section

103(a) is equally improper. Reconsideration and withdrawal of these rejections is also respectfully requested.

Request for Interview

The Applicants respectfully request that the Examiner grant the Applicants' representative an interview before issuing a next action in the application. The Examiner is requested to contact the undersigned to schedule an interview.

CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 39, 42-45 and 57-69 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By: 
Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000